In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.170 of 2007 (O&M)

Date of Decision: 12.2.2007

Gurinder Pal Singh …Petitioner.

Versus

Presiding Officer, Labour Court, Ambala & Others. …Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr.H.S.Hundal, Advocate
for the petitioner.

JUDGMENT

M.M.KUMAR, J. (ORAL)

This petition filed under Article 226 of the Constitution praying for quashing the award dated 14.7.2006 (Annexure P3) passed by Labour Court, Ambala. The primary prayer made by the petitioner is to reinstate him in service from 9.7.2000 along with arrears of back wages. In para 15 of the award, there are categorical findings recorded that the petitioner was asked to report to Head Office of the Management at New Delhi after his transfer to Chennai by 30.6.2000. As the petitioner absented himself from duty he was asked to report immediately on his transfer to Chennai Branch. It has been found that on his transfer to Chennai Branch, the petitioner intentionally and willfully did not report to the Head Office at New Delhi despite having been issued a letter and a subsequent reminder in that connection which clearly proved that he himself had left/abandoned his job willfully and intentionally on

account of his transfer to Chennai. Even otherwise, the petitioner was a probationer and he abandoned his services during that period. The matter does not end here. In para 17 & 19 of the award, the Labour Court has categorically recorded a finding that the petitioner has been telling white lies in the Court under oath by stating that he was never issued warnings, whereas factually he had been issued warnings and a show cause notice. Moreover, to a specific suggestion made to the petitioner as to whether he had ever received any show cause notice, he had deposed in the negative. Therefore, the Labour Court had concluded that the petitioner has abused the process of law by concealing the true and material facts and has also willfully and intentionally taken up false and frivolous plea in order to seek unwarranted relief.

After hearing learned counsel, we are of the considered view that no indulgence of this Court would be warranted as we find that the findings recorded by the Labour Court with regard to abandonment are unexceptionable and the conduct of the petitioner has been adversely commented upon. In such circumstances no equitable relief under Article 226 of the Constitution can be granted to the petitioner. Dismissed.

(M.M.KUMAR)
Judge

February 12, 2007 **(RAJESH BINDAL)**
dkb **Judge**